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MEMO ENDORSED

December 11, 2020

Hon. Ona T. Wang
United States Magistrate Judge
United States District Court
For the Southern District of New York
500 Pearl Street
New York, New York 10007

RE: *Kieran Kelly v. Mount Sinai Health Systems, Inc., et al.*
Index No.: 18-CV-12214-ALC
Our File No.: 71.510

Dear Judge Wang:

We represent the defendants in the above referenced action, and respectfully submit this Letter Motion jointly with *pro se* Plaintiff Kieran Kelly.

Pursuant to your Order, all discovery, including Mr. Kelly's deposition was to be completed by December 11, 2020, with the exception of Dr. Choudhri's deposition, which was to be completed on or before December 18, 2020.

We rescheduled Mr. Kelly's deposition from December 4, 2020 to December 11, 2020, to accommodate his last minute request for an adjournment due to illness. The deposition today began at 9:30 a.m. EST and after some technical difficulties and approximately three hours of questioning, Mr. Kelly indicated that he was very tired; he lives in Indonesia, a time zone which is 12 hours later than New York, and he said on multiple occasions that the lateness of the hour and lack of sleep was impacting his memory and ability to give accurate testimony. As a result, we sought advice from the Court regarding how to best proceed, and were informed that we should pick a mutually convenient date to continue Mr. Kelly's examination, and submit a joint Letter Motion seeking an extension of time on the pending discovery deadlines.

We have conferred with Mr. Kelly and he has agreed to appear for his continued deposition on Tuesday, December 15, at 9:30 a.m. EST. We hope, but cannot guarantee, that the plaintiff's deposition will be completed at that time; there is still quite a lot of relevant material to cover.

HONORABLE ONA T. WANG
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
December 11, 2020

RE: KIERAN KELLY v. MOUNT SINAI HEALTH SYSTEMS, INC., ET AL
Index No.: 18-CV-12214-ALC

Given the above, we are respectfully requesting an extension of time to complete discovery, including the deposition of Dr. Choudhri, assuming Mr. Kelly intends to depose him; and the time for completion of fact discovery.

Respectfully submitted,

Jenny M. Edelman

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cc: Kieran Kelly *Pro Se* (BY EMAIL and CERTIFIED MAIL RRR)

Application granted in part and denied in part. Plaintiff shall sit for his deposition on Dec. 15, 2020 starting at 9:30 am EST. The Court may apportion costs under Federal Rule of Civil Procedure 30(d)(1) for any person who impedes, delays, or frustrates the fair examination of any deponent. All other deadlines remain unchanged. ECF 95 resolved. SO ORDERED.



Ona T. Wang Dec. 15, 2020
U.S.M.J.